

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
WASHINGTON, D.C.**

**MOTOR CITY PAWN BROKERS INC.,  
THE AUBREY GROUP INC., AND  
AUBREY BROTHERS, LLC**

**and**

**Case 07-CA-179458**

**TERRANCE WALKER, an Individual**

**Charging Party Walker**

**and**

**Case 07-CA-179461**

**PATRICIA TILMON, AN Individual**

**Charging Party Tilmon**

**CLAIMANTS PATRICIA TILMON, TERRENCE WALKER, AND GIANLUCA  
BARTOLUCCI'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE  
LAW JUDGE**

NOW COME Claimants Patricia Tilmon, Terrence Walker, and Gianluca Bartolucci, by and through their attorneys, Blanchard & Walker PLLC, presenting the following Exceptions to the Decision of the Administrative Law Judge dated October 22, 2018. Counsel takes exception to the following:

1. The ALJ's finding that the rule in the Updated Employee Handbook regulating employee behavior outside of work is saved by a proviso that states that the rule will not be applied to limit employees' rights under the NLRA. (Decision, p. 20:9-15).
2. The ALJ's finding that the rule in the Updated Employee Handbook regulating employee behavior outside of work does not have a reasonable tendency to interfere with Section 8

rights because it includes a proviso advising employees that the rule will not affect their rights protected by the NLRA. (Decision, p. 20:15-20).

3. The ALJ's finding that the rule in the Updated Employee Handbook regulating social media use does not violate the NLRA because it contains a statement that social media use is acceptable when permitted because of a protected legal right. (Decision, p. 22:12-14).
4. The ALJ's finding that employees would reasonably understand that the rule in the Updated Employee Handbook regulating social media use did not interfere with their protected right to communicate about terms and conditions of employment. (Decision, p. 22:15-18).
5. The ALJ's finding that the rule in the Updated Employee Handbook regulating social media use does not potentially interfere with Section 7 rights and is lawful. (Decision, p. 22:19-20).
6. The ALJ's finding that the no-recording rules in the Updated Employee Handbook would not have any more of an impact on Section 7 rights than the no-camera rule in *Boeing* (citing *The Boeing Company*, 365 NLRB No. 154). (Decision, p. 23:9-10).
7. The ALJ's finding that the no-recording rules in this case have a comparatively slight impact on Section 7 rights. (Decision, p. 23:10-12).
8. The ALJ's finding that even in the absence of compelling evidence from Respondent, the rule in the Updated Employee Handbook regulating the use of recording devices is lawful. (Decision, p. 23:19-22).

Counsel for Claimants Tilmon, Walker, and Bartolucci respectfully requests that the Board grant its Exceptions and modify the Administrative Law Judge's Decision accordingly. The

portions of the record and authority relied upon the support these exceptions are contained in the accompanying supporting brief.

Respectfully Submitted,  
BLANCHARD & WALKER, PLLC

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Dated: January 31, 2019

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 31<sup>st</sup> day of January 2019, I electronically filed the foregoing document using the NLRB's E-Service System, which will provide notice to all parties' legal counsel of record that have been registered for e-service. -

In addition, I also served another copy of the foregoing document by email to the following legal counsel for all parties:

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Respectfully submitted,  
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